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BEFORE THE ARIZONA CORPORATION COMMISSION

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2009 NOV 20 P 4: 42

AZ CORP COMMISSION
DOCKET CONTROL

KRISTIN K. MAYES

Chairman

GARY PIERCE

Commissioner

PAUL NEWMAN

Commissioner

SANDRA D. KENNEDY

Commissioner

BOB STUMP

Commissioner

In the matter of:

DOCKET NO. S-20708A-09-0499

LARRY WAYNE ZIEGLER (a/k/a Zig
Ziegler), a single man,

RESPONDENT TROY DEE
TRUVILLION'S ANSWER

TROY DEE TRUVILLION and JENIA
DIMITROVA, husband and wife,

and

MOTION DNA, INC., a Nevada corporation

Respondents.

Respondent Troy Dee Truvillion ("Respondent") submits his Answer to the Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, for Administrative Penalties and for Other Affirmative Action (the "Notice"). Respondent responds to the numbered paragraphs of the Notice as follows:

I.

JURISDICTION

1. Respondent denies the allegations in paragraph 1 of the Notice.

Arizona Corporation Commission
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MM

II.

RESPONDENTS

2. Respondent is without sufficient knowledge or information to admit or deny the allegations contained in paragraph 2 of the Notice, and, therefore denies those allegations.

3. Respondent is without sufficient knowledge or information to admit or deny the allegations contained in paragraph 3 of the Notice, and, therefore denies those allegations.

4. Respondent is without sufficient knowledge or information to admit or deny the allegations contained in paragraph 4 of the Notice, and, therefore denies those allegations.

5. Respondent admits he is married. Respondent denies the remaining allegations in paragraph 5 of the Notice.

6. Respondent admits the allegations in paragraph 6 of the Notice.

7. This allegation requires no response.

8. Respondent denies the allegations in paragraph 8 of the Notice.

9. This allegation requires no response.

III.

FACTS

10. As to the allegations in paragraph 10 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. Respondent denies the remaining allegations in paragraph 10 of the Notice.

11. As to the allegations in paragraph 11 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. Respondent denies the remaining allegations in paragraph 11 of the Notice.

12. Respondent denies the allegations in paragraph 12 of the Notice.

13. As to the allegations in paragraph 13 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. The remaining allegations in paragraph 13 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

14. As to the allegations in paragraph 14 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. The remaining allegations in paragraph 14 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

15. As to the allegations in paragraph 15 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. The remaining allegations in paragraph 15 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

16. The allegations in paragraph 16 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

17. As to the allegations in paragraph 17 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. The remaining allegations in paragraph 17 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

18. Respondent denies the allegations in paragraph 18 of the Notice.

19. The allegations in paragraph 19 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

1 20. As to the allegations in paragraph 20 regarding Respondent Ziegler, Respondent
2 lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies
3 those allegations. Respondent denies the remaining allegations in paragraph 20 of the Notice.

4 21. As to the allegations in paragraph 21 regarding Respondent Ziegler, Respondent
5 lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies
6 those allegations. The remaining allegations in paragraph 21 of the Notice contain an incomplete,
7 inaccurate and misleading statement of the facts, and are therefore denied.

8 22. The allegations in paragraph 22 of the Notice contain an incomplete, inaccurate and
9 misleading statement of the facts, and are therefore denied.
10

11 23. The allegations in paragraph 23 of the Notice contain an incomplete, inaccurate and
12 misleading statement of the facts, and are therefore denied.

13 24. Respondent is without sufficient knowledge or information to admit or deny the
14 allegations contained in paragraph 24 of the Notice, and, therefore denies those allegations.

15 25. Respondent is without sufficient knowledge or information to admit or deny the
16 allegations contained in paragraph 25 of the Notice, and, therefore denies those allegations.
17

18 26. Respondent is without sufficient knowledge or information to admit or deny the
19 allegations contained in paragraph 26 of the Notice, and, therefore denies those allegations.

20 27. The allegations in paragraph 27 of the Notice contain an incomplete, inaccurate and
21 misleading statement of the facts, and are therefore denied.

22 28. Respondent is without sufficient knowledge or information to admit or deny the
23 allegations contained in paragraph 28 of the Notice, and, therefore denies those allegations.
24

25 29. Respondent is without sufficient knowledge or information to admit or deny the
26 allegations contained in paragraph 29 of the Notice, and, therefore denies those allegations.
27

31. Respondent is without sufficient knowledge or information to admit or deny the allegations contained in paragraph 31 of the Notice, and, therefore denies those allegations.

32. As to the allegations in paragraph 32 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. The remaining allegations in paragraph 32 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

33. The allegations in paragraph 33 of the Notice contain an incomplete, inaccurate and misleading statement of the facts, and are therefore denied.

34. As to the allegations in paragraph 34 regarding Respondent Ziegler, Respondent lacks sufficient knowledge or information to admit or deny the allegations and, therefore denies those allegations. Respondent denies the remaining allegations in paragraph 34 of the Notice.

**VIOLATION OF A.R.S. § 44-1841
(Offer or Sale of Unregistered Securities)**

35. Respondent denies the allegations in paragraph 35 of the Notice.

36. Respondent denies the allegations in paragraph 36 of the Notice.

37. Respondent denies the allegations in paragraph 37 of the Notice.

VIOLATION OF A.R.S. § 44-1842
(Transactions by Unregistered Dealers or Salesmen)

1 38. Respondent denies the allegations in paragraph 38 of the Notice.

2 39. Respondent denies the allegations in paragraph 39 of the Notice.

3 VI.

4 VIOLATION OF A.R.S. § 44-1991
5 (Fraud in Connection with the Offer or Sale of Securities)

6 40. Respondent denies the allegations in paragraph 40 of the Notice.

7 41. Respondent denies the allegations in paragraph 41 of the Notice.

8 42. Respondent denies each and every allegation not specifically admitted.

9 AFFIRMATIVE DEFENSES

10 The following affirmative defenses nullify any potential claims asserted by the Division.

11 Respondent reserves the right to amend this Answer to assert additional defenses after completion
12 of discovery.

13 First Affirmative Defense

14 No violation of the Arizona Securities Act occurred because the program at issue is not a
15 security.

16 Second Affirmative Defense

17 Because the program at issue is not a security, the Arizona Securities Division has no
18 jurisdiction to bring this action and the action should be dismissed.

19 Third Affirmative Defense

20 The Notice fails to state a claim upon which relief can be granted.

21 Fourth Affirmative Defense

22 The Division has failed to plead fraud with reasonable particularity as required by Rule
23 9(b) of the Arizona Rules of Civil Procedure.

24 Fifth Affirmative Defense

Respondent did not know and in the exercise of reasonable care could not have known of any alleged untrue statements or material omissions as set forth in the Notice.

Sixth Affirmative Defense

Respondent did not act with the requisite scienter.

Seventh Affirmative Defense

Respondent did not employ a deceptive or manipulative device in connection with the purchase or sale of any security.

Eighth Affirmative Defense

Respondent did not violate A.R.S. § 44-1991.

Ninth Affirmative Defense

Individuals purchasing the program at issue suffered no injuries or damages as a result of Respondent's alleged acts.

Tenth Affirmative Defense

Purchasers of the program at issue approved and/or authorized and/or directed all of the transactions at issue.

Eleventh Affirmative Defense

If the program at issue was a security it was exempt from registration and/or sold in an exempt transaction.

Twelfth Affirmative Defense

This proceeding before the Arizona Corporation Commission denies Respondent essential due process and is lacking in fundamental fairness. Respondent's constitutional rights will be further denied if he is not afforded trial by jury of this matter.

Thirteenth Affirmative Defense

1 The Division cannot meet the applicable standards for any of the relief it is seeking in the
2 Notice.

3 **Fourteenth Affirmative Defense**

4 Respondent did not offer or sell securities within the meaning of the Arizona Securities
5 Act.

6 **Fifteenth Affirmative Defense**

7 Respondent did not offer or sell or participate in the offer or sale of securities.

8 **Sixteenth Affirmative Defense**

9 Restitution is not an appropriate remedy.

10 **Seventeenth Affirmative Defense**

11 To the extent an award of restitution is appropriate, the Commission should use its
12 discretion to reduce the amount, if any, Respondent must pay.

13 **Eighteenth Affirmative Defense**

14 Respondent alleges such other affirmative defenses set forth in the Arizona Rules of Civil
15 Procedure 8(c) as may be determined to be applicable during discovery.

16
17
18
19 RESPECTFULLY SUBMITTED this 30th day of November, 2009.

20 BADE & BASKIN PLC

21
22
23 By 

24 Alan S. Baskin
25 80 East Rio Salado Parkway, Suite 511
26 Tempe, Arizona 85281
27 Attorneys for Respondents Troy Dee
Truvillion

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1 ORIGINAL and thirteen copies of the foregoing
2 filed this 20th day of November, 2009 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, AZ 85007

7 COPY of the foregoing hand-delivered
8 this 20th day of November, 2009 to:

9 Matthew J. Neubert
10 Director of Securities
11 Securities Division
12 Arizona Corporation Commission
13 1300 W. Washington Street, 3rd Floor
14 Phoenix, AZ 85007

15 COPY of the foregoing mailed
16 this 20th day of November, 2009 to:

17 Rachel Strachan
18 Securities Division
19 Arizona Corporation Commission
20 1300 W. Washington, 3rd Floor
21 Phoenix, AZ 85007

22 

23 truvillion.acc/pld/req for hearing.doc
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